

REMARKS

The application has been amended and is believed to be in condition for allowance.

Claims 1-5 are pending with claims 1, 4, and 5 being independent.

The Official Action objected to the abstract. Responsively, the abstract has been amended.

Claims 1 and 4-5 are rejected under §112, second paragraph, as indefinite. Prior to this Official Action, the objection to "either of" language was discussed by telephone with the Examiner and undersigned attorney. The intent of the language was reviewed and that there was recited making two determinations, if either of the two required "either of" conditions were determined to be satisfied, the recited result of adding the predetermined point followed.

Although not believed to be necessary, the claims have been amended to remedy the stated basis of rejection by moving the wherein portion of the claim into the active step.

Consider, e.g., claim 1 being amended to recite:

determining whether a first condition that any node, except said egress node, in a selected route successively selected from said set of plural routes, does not appear on another route, is satisfied, and when the first condition is satisfied, adding a predetermined point to a score of the route;

determining whether a second condition that, when there is a common node, in addition to said common egress node, which appears in both said selected route and said another route, and said selected route agrees with said another route from said common node to said common egress node, is satisfied, and when the second condition is satisfied, adding the predetermined point to the score of the route successively selected from said set of plural routes.

This amendment is consistent with the previous telephonic discussion and requirement to make two determinations and to act if either determination (condition) is satisfied.

Withdrawal of the rejection is solicited.

Claims 1-5 stand rejected as obvious over BARTOLANZO, Jr. et al. 5,321,815 in view of YAAKOV 6,748,433.

Enclosed please find an English-language translation of the Japanese priority application filed on October 14, 1999, which translation perfects applicant's claim of priority.

Since the priority date of this application is October 14, 1999 and the filing date of YAAKOV is only July 10, 2000, YAAKOV is not prior art to the present invention.

Withdrawal of the obviousness rejection is therefore solicited.


In view of the above, reconsideration and allowance of all the pending claims are respectfully requested. Applicant believes that the present application is in condition for

allowance and an early indication of the same is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following items:

- an amended Abstract of the Disclosure
- an English-language translation of Japanese priority application 11-292131